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7 *Attorney for Secured Creditor*

8 The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificate
9 holders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-7

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In re:

Case No. BK-S-12-21969-MKN
Chapter 7

13 DAWN CAROL PANKALLA-LANE,

Hearing Date: February 20, 2014
Hearing Time: 11:00 a.m.

14 Debtor.
15

16 **RESPONSE TO MOTION TO SELL REAL PROPERTY**
17

18 COMES NOW The Bank of New York Mellon fka The Bank of New York as Trustee
19 for the Certificate holders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-7
20 (hereinafter "Secured Creditor"), by and through its attorney of record, the law firm of
21 Tiffany & Bosco, P.A., and hereby files this response to the motion to sell real property.
22

23 This response is made and based upon the pleadings and papers on file herein, the
24 Memorandum of Points and Authorities that follows, attached exhibits, and any oral argument
25 the Court permits at the hearing of this matter.
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MEMORANDUM OF POINTS AND AUTHORITIES

Secured Creditor is the first deed of trust holder on the property located at 8944 Argus Reed Avenue, Las Vegas, NV (the "Subject Property").

Secured Creditor does not oppose the trustee's attempt to short sale the property conditioned upon the subsequent consent and approval of the Secured Creditor. However, the Subject Property should be closed within three (3) months, not one (1) year as the trustee requested, unless the Secured Creditor subsequently agrees to extend the time.

Secured Creditor is also filing this response simply to notify the court and the trustee that it has already obtained relief from the automatic stay and may continue to proceed with its foreclosure efforts notwithstanding the trustee's attempts to short sale the Subject Property.

Furthermore, the Order on this motion should clearly state that the Secured Creditor's further attempts at foreclosure will not be considered "dual tracking" and that the trustee will not assert a violation of the Nevada Homeowners' Bill of Rights.

Secured Creditor has also filed this response so that the undersigned can continue to monitor and track this matter, make an appearance at the hearing, ensure that nothing different is ordered at the hearing on this matter, and sign off on the order.

DATED this 5 day of February 2014.

TIFFANY & BOSCO, P.A.



Gregory L. Wilde, Esq.

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The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificate holders of the
CWABS, Inc., Asset-Backed Certificates, Series 2005-7
13-70538

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Dawn Carol Pankalla-Lane

Debtor.

BK-12-21969-mkn

Chapter 7

CERTIFICATE OF MAILING

1. On 2/6/2014 I served the following document(s):

RESPONSE TO MOTION TO SELL REAL PROPERTY

2. I served the above-named document(s) by the following means to the persons as listed below:

X a. ECF System

Erik C. Severino
erik@bankruptcymail.com
Attorney for Debtor

Lenard E Schwartzer
trustee@s-mlaw.com
Trustee

X b. United States mail, postage fully prepaid:

Erik C. Severino
7251 W. Lake Mead Blvd.,
Ste.300
Las Vegas, NV 89128
Attorney for Debtor

Dawn Carol Pankalla-Lane
8777 Maule St.
Las Vegas, NV 89148
Debtor

1 ☐ **c. Personal Service**

2 I personally delivered the document(s) to the persons at these addresses:

3 ☐ 1. For a party represented by an attorney, delivery was made by handing the
4 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by
5 leaving the document(s) in a conspicuous place in the office.

6
7 ☐ 2. For a party, delivery was made by handing the document(s) to the party or by
8 leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable
9 age and discretion residing there.

10
11 ☐ **d. By direct mail**

12 Based upon the written assignment of the parties to accept service by email or a court order. I
13 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive,
14 within a reasonable time after the transmission, any electronic message or other indication that the
15 transmission was unsuccessful.

16 ☐ **e. By fax transmission**

17 Based upon the written assignment of the parties to accept service by fax transmission or
18 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error was
19 reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

20 ☐ **f. By messenger**

21 I served the document(s) by placing them in an envelope or package addressed to the persons at
22 the addresses listed below and providing them to a messenger for service.

23 **I declare under penalty of perjury that the foregoing is true and correct.**

24 DATED this 6th day of February, 2014.

25 By: /s/ Jennifer L. Reedy

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